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**MAY 30 2006**

**OFFICE OF PETITIONS**

In re Application of  
Steve Smith et al  
Application No. 09/937,413  
Filed: March 20, 2002  
Attorney Docket No. 9052-91

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**ON PETITION**

This is a decision on the petition, filed May 24, 2006, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3). The above-identified application is expressly abandoned in favor of continuing Application No. 11/438,571, filed May 22, 2006.

The fact that the above petition states that a continuing application was filed, the petition is being construed as a request for express abandonment in view of the filing of the continuing application on May 22, 2006. If this is **not** the correct interpretation, petition **must** notify the Office.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Files Repository.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions